IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc-M-27445 of 2007

Date of decision: 20.7.2007

Amarjit Singh …Petitioner

Versus

State of Punjab …Respondent

Present: Mr Ashok Saini, Advocate, for the petitioner.
Mr Lekh Raj Sharma, Addl AG Punjab.

S.S. SARON, J

Heard counsel for the parties.

The petitioner prays for regular bail pending trial. The offences attributed to the petitioner are triable by the Magistrate Ist Class. The petitioner was arrested and has been in custody since 2.11.2006. The challan in the case was filed in the Court of SDJM, Jagraon on 8.1.2007. The charge was framed on 16.1.2007 and the PWs were summoned for 30.1.2007. On 30.1.2007, the Presiding Officer was on leave and no PW was present. The case was adjourned to 12.2.2007 on which date the case file had been sent to the Court of learned Additional Sessions Judge, Ludhiana which had not been received back and the case was adjourned to 12.3.2007. The file was received back on 12.3.2007 and the PWs were ordered to be summoned for 26.3.2007. On that date, no PW was present and the case was adjourned for 23.4.2007. On that date also, no PW was present and the case was adjourned for 7.5.2007 and thereafter has been adjourned on 21.5.2007, 4.6.2007 and 15.6.2007. Now the case is foxed

for 7.8.2007. On each of the aforesaid dates, no PW was present. The allegations against the petitioner are that he had cheated various girls on the pretext of getting them employed as Nurses in the Army. The trial in the case is likely to take time. Besides, a perusal of the interim orders shows that till date not a single witness has been examined and the petitioner is in custody since 2.11.2006. Section 437(6) CrPC enjoins that if, in any case triable by a Magistrate, the trial of a person accused of any non-bailable offence is not concluded within a period of sixty days from the first date fixed for taking evidence in the case, such person shall, if he is in custody during the whole of the said period, be released on bail to the satisfaction of the Magistrate, unless for reasons to be recorded in writing, the Magistrate otherwise directs. The first date for recording the evidence was 30.1.2007 and thereafter a period of 60 days has elapsed. There are no such special circumstances which would warrant further imprisonment of the petitioner.

In the circumstances, the petitioner, on his furnishing personal bond and surety in the like amount to the satisfaction of learned SDJM Jagraon, shall be admitted to bail.

20.7.2007. (S.S.SARON)
ASR JUDGE